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Draft Chesapeake Bay Total Maximum Daily Load

Comment On: EPA-R03-OW-2010-0736-0001

Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

Document: EPA-R03-OW-2010-0736-0102

Comment submitted by Brenna Goggin, Environmental Advocate, Delaware Nature Society

Submitter Information

Submitter's Representative: Brenna Goggin

Organization: Delaware Nature Society

General Comment

The Delaware Nature Society is a private, non-profit, membership organization with more than 6,000 members statewide that works to foster understanding, appreciation, and enjoyment of the natural world through education, advocacy and preservation. The Society has been a long-time advocate for protection of the Chesapeake Bay and participates in the "Choose Clean Water" coalition's efforts to ensure a cleaner Bay for future generations. The State of Delaware has actively participated in the Chesapeake Bay Program since then-Governor Carper signed a Memorandum of Agreement in 2000 and we proudly take our place among the other Bay states and the District of Columbia. The Society strongly supports the efforts by the EPA to implement the Chesapeake Bay TMDL.

Cleaning up the Chesapeake Bay requires shared responsibility, resources, and support from all of the states in the watershed. This is a unique moment in time that may mean the difference between saving the Bay and causing irreparable harm. The EPA has provided financial support and guidance and offered sophisticated scientific data to help all states comply and accelerate on the ground progress. Additionally, the Bay receives overwhelming support from public and private efforts. However, we have yet to have the results we deserve: clean water, fishable streams and rivers, and the economic and environmental benefits they bring.

For over 25 years, states have known the Chesapeake Bay requires significant reductions in nutrients and sediment in order to provide habitat and food to wildlife like oysters, blue crab, and fish. For decades, states and local governments have tried to implement only voluntary approaches to improve the Bay, to no avail. Communities, jobs, and recreational opportunities continue to rapidly disappear due to the negative health of the Bay.

In Delaware, like most of the Bay states, agriculture makes up almost half of the land use, meaning the pollutant loads from agricultural land uses are comparable to residential land uses on a per acre basis. The Society supports the EPA's regulatory requirements for point sources such as CAFO's. These stringent regulations will ensure CAFO's reduce their nutrient discharge of nitrogen necessary to achieve the objectives of the TMDL for the Chesapeake Bay. The Farm Bureau and the poultry industry have claimed this new regulations will put Delaware farmers out of business. However, more than \$638 million is already available from the USDA to specifically help farmers in the Chesapeake Bay region meet their TMDL limits through implementation of BMP's and preventing excess nutrients and other pollutants from reaching our waterways.

The Society also believes stormwater runoff and other impacts from development represent a major source of pollution in the Chesapeake Bay watershed that is increasing. While stormwater BMP's have been effective in some areas, the increase in development around the Bay have negated the BMP's workability. We strongly support performance standards in regulatory programs and allowing permitted entities to innovate in order to achieve or surpass these standards. The concept of predevelopment hydrology standards is an example of a performance based approach that has great potential for improving water quality.

Thank you for the opportunity to comment.

Attachments

EPA-R03-OW-2010-0736-0102.1: Comment attachment submitted by Brenna Goggin, Environmental Advocate, Delaware Nature Society